

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KIMBERLY MORRIS, ALGER JASON  
RYAN MORRIS, JAMES BAKER, and  
EDITH BAKER, *individually and on  
behalf of all others similarly situated,*

Plaintiffs,

-v.-

KENNETH DEAN SUGARMAN, BANK  
OF AMERICA, N.A., and JOHN AND  
JANE DOES 1-25,

Defendants.

23 Civ. 9327 (KPF)

**ORDER OF DISCONTINUANCE**

KATHERINE POLK FAILLA, District Judge:

By letter dated March 14, 2024, Plaintiffs and Defendant Bank of America, N.A. reported to the Court that they have reached a settlement in principle in this case. Accordingly, it is hereby:

ORDERED that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiffs may apply by letter for restoration of the action to the active calendar of this Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial

proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiffs have not requested restoration of the case to the active calendar within such 60-day period.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case with respect to Defendant Bank of America, N.A.

SO ORDERED.

Dated: March 18, 2024  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge